



# भारत का राजपत्र

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प्रसारात्मक

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रलग संकलन के क्षय में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

### LOK SABHA

The following Bills were introduced in Lok Sabha on the 29th March, 1968:—

BILL No. 15 of 1968

*A Bill further to amend the Code of Civil Procedure, 1908.*

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 1968.

5 (2) It shall come into force at once.

(3) It shall extend to the whole of India except the State of Jammu and Kashmir.

Short title,  
commen-  
cement  
and  
extent.

Amend-  
ment of  
Section

2. In the Code of Civil Procedure, 1908, to section 16, the following further proviso shall be added, namely:—

16.

“Provided further that a suit to obtain relief respecting compensation for encroachment or unlawful possession of immoveable property done or held in the absence of the plaintiff or his legal representatives may be instituted also in the Court within the limits of whose jurisdiction the plaintiff actually and voluntarily resides or carries on business or personally works for gain.”

5 of 1908

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## STATEMENT OF OBJECTS AND REASONS

The existing provisions of section 16 of the Code of Civil Procedure are rather too harsh against the plaintiff in the cases where the plaintiff by necessity of earning livelihood is compelled to stay away from his immovable property which is encroached upon or usurped by others, taking advantage of the plaintiff's absence. At present, under this section the poor man, for no fault of his, has to run to and from between his place of duty and the place where a suit to obtain relief respecting such property can properly be instituted, namely, the court within the local limits of whose jurisdiction the property is situate or the defendant voluntarily resides or works for gain. The botheration in most cases is so enormous that the normal life of the aggrieved party is disrupted and he is forced to forgo his right of relief and the law-breaker is allowed to reap the fruit of his misdeed. This poses a grave threat to the rule of law.

This Bill, therefore, seeks to bring the law to the rescue of the aggrieved party whose property is encroached upon in his absence by making it possible for him to institute the suit in a court at the place of his gainful employment.

NEW DELHI;

*The 15th February, 1968.*

NIHAL SINGH

## BILL No. 30 OF 1968

*A Bill further to amend the Land Acquisition Act, 1894.*

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

Short title,  
extent  
and comm-  
ence-  
ment.

1. (1) This Act may be called the Land Acquisition (Amendment) Act, 1968.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.<sup>5</sup>
- (3) It shall come into force at once.

of 1894.

**2.** In section 3 of the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), to clause (g), the following proviso shall be added at the end, namely:—

5       ‘(v) in case the whole village or blocks of villages are acquired, then all its residents, *viz.* tenants, artisans, landless labourers shall be deemed to be persons “entitled to Act”.’

**3.** In section 5A of the principal Act, sub-section (3) shall be omitted.

**4.** After section 5A of the principal Act, the following new section shall be inserted, namely:—

“5B. A notification, issued under section 4 shall remain in force for two years with effect from the date of issue of the notification.

**5.** In section 11 of the principal Act, for the words, figures and 15 brackets “at the date of the publication of the notification under section 4, sub-section (1)”, the words “at the date of the acquisition or taking possession” shall be substituted.

**6. To section 16 of the principal Act, the following proviso shall be added, namely:—**

20       “Provided that where the acquisition or possession of land involves displacement of twenty-five families or more or a full village or blocks of villages, it shall be the duty of the acquiring authority to rehabilitate the displaced persons and their rehabilitation shall form part of the project expenditure.”..

**25       7. In section 23 of the principal Act,—**

(i) in sub-section (1), for the words, figures and brackets “at the date of the publication of the notification under section 4, sub-section (1)”, the words “at the date of the acquisition or taking possession” shall be substituted.

30       (ii) in sub-section (2), for the words “fifteen per centum” the words “forty per centum” shall be substituted.

Amend-  
ment of  
section 3.Amend-  
ment of  
section  
5A.Insertion  
of new  
section 5B.Operation  
of the  
notifica-  
tion.Amend-  
ment of  
section 11.Amend-  
ment of  
section 16.Amend-  
ment of  
section 23.

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### STATEMENT OF OBJECTS AND REASONS

The Land Acquisition Act, 1894 was passed long ago. After the independence, the country has set itself on the road to the construction of big industrial and multipurpose irrigation and power projects, etc. This has necessitated the acquisition of vast areas and blocks of land uprooting hundreds of villages.

Under section 4 of the said Act, no time limit is fixed during which a notification regarding acquisition of land is to remain in force. In the case of big projects, huge areas, more than what is required, are notified. The projects take several years to complete. The acquisitions are then made by stages, but due to the notification under section 4, the people over vast areas are denied the ordinary rights of construction and improvement of their houses and lands. Moreover, the compensation under section 23 is awarded from the date of the publication of the notification under section 4 of the Act. The intervening period of notification and acquisition or possession extends over several years. The owners or persons whose interests suffer and are ousted, are granted compensation which is wholly insufficient to acquire land at reasonable price elsewhere. The aim of the welfare state should be to award him fair and reasonable price at the time of acquisition. Besides, when blocks of villages are displaced it should be the duty of the acquiring authority to rehabilitate them. The rehabilitation of the displaced persons should form part of the project scheme and the oussees should be given land at reasonable price and other amenities for rehabilitation.

The Bill seeks to amend the Land Acquisition Act, 1894 so as to provide for these matters.

NEW DELHI;

HEM RAJ.

*The 27th February, 1968.*

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FINANCIAL MEMORANDUM

The Bill seeks the rehabilitation of the oustees whose lands and houses etc. are acquired and also seeks to increase the quantum of compensation in consideration of acquisition of compulsory nature. This will involve extra expenditure from the Consolidated Fund of India. The amount cannot be estimated with accuracy at present. It may be about four to five lakh rupees recurring.

## BILL No. 28 OF 1968

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

Short title,

1. This Act may be called the Constitution (Amendment) Act, 1968.

Amend-  
ment of  
article  
329.

2. In article 329 of the Constitution, in clause (b), after the words "except by an election petition", the words "or by a petition for recall by one-fourth of his electorate" shall be inserted.

## STATEMENT OF OBJECTS AND REASONS

At present, the defections by the legislators have endangered the stability of the State Governments. People elect their representatives either to Parliament or to the State Assemblies on certain principles and programmes. By defecting, the legislators in fact betray their electors. In such a situation the electors must have a right to recall their representative. No persuasion or even a code of conduct by the political parties can put a stop to these vacillations among the legislators. These perpetual vacillations among the legislators may endanger the very ideal of democracy in the country.

This Bill, therefore, seeks to provide that on the decision of one-fourth of the electors such defecting legislators may be recalled by the electorate and new representatives elected in their places.

NEW DELHI;

SHIVA CHANDRA JHA.

*The 27th February, 1968.*

**BILL No. 20 of 1968**

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

**Short title.**

1. This Act may be called the Constitution (Amendment) Act, 1968.

**Amend-  
ment of**

2. In article 75 of the Constitution, in clause (1), for the words "The Prime Minister shall be appointed", the words "The Prime

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Minister, who shall be an elected member of the House of the People, article  
shall be appointed" shall be substituted. 755.

3. In article 164 of the Constitution, in clause (1), for the words Amend-  
"The Chief Minister shall be appointed", the words "The Chief <sup>ment of</sup> Minister, who shall be an elected member of the Legislative Assembly, article  
shall be appointed" shall be substituted. 164

## STATEMENT OF OBJECTS AND REASONS

The principle of democratic and responsible government is vitiated by the nominated members of the Upper Houses becoming Prime Minister and Chief Ministers of States, as in Madras in 1952 and Bihar in January, 1968. It is also an unhealthy principle that members or non-members not directly elected by the suffrage of the people should head the popular governments in the country.

This amendment provides that the Prime Minister and Chief Ministers shall always be elected members of the Lower Houses.

NEW DELHI;

MADHU LIMAYE

*The 28th February, 1968.*

S. L. SHAKDHER,

*Secretary.*